

**Submission
No 94**

**INQUIRY INTO MODERN SLAVERY ACT 2018 AND
ASSOCIATED MATTERS**

Organisation: Sydney Archdiocesan Anti-Slavery Taskforce

Date Received: 11 October 2019



ARCHDIOCESE OF SYDNEY

CATHOLIC ARCHDIOCESE OF SYDNEY – ANTI-SLAVERY TASKFORCE

9th October 2019
The Honourable Shayne Mallard MLC
Committee Chair
Standing Committee on Social Issues
NSW Legislative Council
By email:
committee.socialissues@parliament.nsw.gov.au

Dear Chair

Inquiry into the Modern Slavery Act 2018 and Associated Matters

Anti-Slavery Action by the Archdiocese of Sydney.

1. On 28 March 2017, The Archbishop of Sydney, Most Reverend Anthony Fisher O.P. appeared before the NSW Legislative Council Select Committee on Human Trafficking. Archbishop Fisher informed the Committee that he intended, as far as possible, to eradicate from the Archdiocese agencies, churches and schools the procurement of goods and services tainted with modern slavery.
2. Archbishop Fisher firmly stated to the Select Committee ***that it was not enough for religious bodies to speak about the eradication of slavery, but they must demonstrate by example that this can be carried out in the careful procurement of goods and services.*** He also informed the Committee that Pope Francis had described modern slavery as crime against humanity; and that transactions involving goods and services were not simply commercial but had moral dimensions and implications.
3. The Sydney Archdiocese Antislavery Taskforce was established by Archbishop Anthony Fisher in May, 2017. His Grace announced the Mandate for the Anti-Slavery

Taskforce and appointed, John McCarthy QC, recently returned ambassador to the Holy See, as Chair of the Committee.

4. Archbishop Fisher authorised the Anti-Slavery Taskforce to publicly support the modern slavery legislation, both in New South Wales Parliament and the Commonwealth Parliament. The Taskforce Executive extended significant assistance the Honourable Paul Green (MLC) in the preparation of the NSW legislation, and, was generously acknowledged by him in his Second Reading Speech in 2018.

5. On behalf of the Archbishop Fisher and the Archdiocese of Sydney, the Anti-Slavery Taskforce had strongly supported proposed modern slavery legislation which included;

- An Anti-Slavery Commissioner;
- Procurement of goods and services by the NSW Government and agencies;
- Procurement by commercial entities which had an annual income in excess of 50 million Australian dollars (a lower threshold had been proposed by the Taskforce);
- A Public Register of Modern Slavery Statements, such a Public Register to be constituted and administered by the State Government. Modern Slavery statements to be in respect of reporting categories, similar to the *Modern Slavery Act 2015 (UK)*.
- Reporting entities required to file modern slavery statements to be subject to penalties, for failure to do so.

6. *The New South Wales Modern Slavery Bill (2018)*, (while having several major deficiencies, in the opinion of the Taskforce Executive), in respect of critical measures sought by the Taskforce in this legislation did contain these provisions, and the Bill had passed the New South Wales Parliament.

7. ***The great historic fact is, the New South Wales Parliament, to the acclaim of the anti-slavery movement and human rights advocates, had passed the strongest and most comprehensive Anti-Slavery Act in the world.***

Modern Slavery Act, 2018 (NSW) not proclaimed

8. Archbishop Fisher and the Anti-Slavery Taskforce were disappointed that the Modern Slavery Act (NSW) was not proclaimed on the 1 July, 2019, as had been foreshadowed by NSW Government spokespersons.

9. Instead, the NSW Government announced that the proposed Modern Slavery Act (NSW) would be referred to the Legislative Council Standing Committee on Social Issues. The Committee was to inquire into, and report, on the Modern Slavery Act, including; reviewing this legislation under nine wide terms of reference, and public submissions. The Committee was also directed to have regards to a Submission filed on behalf of the New South Wales Government.¹

10. The Legislative Council Committee's published Terms of Reference and procedures provided for written submissions from interested parties. This Submission is presented pursuant to the Committee's invitation.

Main Submission of the Archdiocesan Anti-Slavery Taskforce.

11. The principle Submission of the Taskforce is that the NSW Modern Slavery Act should be proclaimed as soon as possible, and certainly to come into effect at the beginning of 2020. To this end, it is the Taskforce's further Submission that the Government's proposed amendments to the *NSW Modern Slavery Act (2018)*, should be adopted in the current session of Parliament.

12. It is the Taskforce's strong belief that the Committee's Inquiry into the Terms of Reference, conducted in an appropriate manner should be completed within two to three

¹ This inquiry by the Standing Committee on Social Issues was established to inquire and report on the Modern Slavery Act 2018. Documents for information referred to this Terms of Reference: [Consultation Draft - Modern Slavery Amendment Bill 2019](#)
[Consultation paper - Modern Slavery Regulation 2019](#)
[Consultation Draft - Modern Slavery Regulation 2019](#)

days. The Committee's report to the Parliament can be equally concise and simple in its recommendations that this legislation be amended in the minor respects proposed and pass all stages of Parliament so that it may receive Royal Assent and be proclaimed to be commence on the 1 January, 2020. It is not in the public interest or common good that the commencement of this legislation is postponed into next year.

Public Hearings

13. The Chair of the Archdiocesan Anti-Slavery Taskforce will seek to address the Committee in support of this Submission and will also seek to relate these Submissions to the Committee's Terms of Reference, and the necessity for this legislation to commence at the beginning of 2020.

John McCarthy QC, Chair
Sydney Archdiocesan Anti-Slavery Taskforce
Level 5 Polding Centre
133 Liverpool St Sydney NSW 2000